

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAMON JAQUEZ, on behalf of himself and all others
similarly situated,

Plaintiff,

-against-

MAESTROVISION, INC.,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/18/2021

1:21-cv-1690-MKV

ORDER TO SHOW CAUSE

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff initiated this action by filing a complaint on February 25, 2021. [ECF No. 1]. Proof of service filed with the Court on March 15, 2021, reflects that Defendant was served with the Complaint on March 11, 2021. [ECF No. 5]. To date, Defendant has not answered the Complaint or otherwise appeared in this action.

On July 26, 2021, the Court ordered Plaintiff to file any motion for entry of default judgment by August 26, 2021. [ECF No. 6]. Plaintiff was advised that failure to move for default judgment may result in dismissal of the case for failure to prosecute. [ECF No. 6]. After Plaintiff failed to file any such motion by September 15, 2021, the Court again ordered Plaintiff to file any motion for entry of default judgment by October 15, 2021. [ECF No. 7]. The Court again advised that failure to move for default judgment may result in dismissal of the case for failure to prosecute. [ECF No. 7].

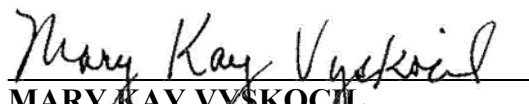
To date, Defendant has not answered the complaint or otherwise appeared in this action, and Plaintiff has not moved for a default judgment.

Accordingly, IT IS HEREBY ORDERED that, by November 1, 2021, Plaintiff shall file a letter showing cause why this case should not be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Plaintiff's counsel shall explain why he should not be sanctioned, in

lieu of the harsher sanction of dismissal. Plaintiff is on notice that he is ultimately responsible for prosecuting his case, and this case may be dismissed because of his chosen counsel's failure to comply with court orders and prosecute his case. *See Link v. Wabash R. Co.*, 370 U.S. 626, 633–34 (1962).

SO ORDERED.

Date: October 18, 2021
New York, NY


MARY KAY VYSKOCIL
United States District Judge